

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBIN NIXON,	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO. 05-101 ERIE
	)	
NORFOLK SOUTHERN CORPORATION	)	
and NORFOLK SOUTHERN RAILWAY	)	
COMPANY, INC.,	)	
Defendants	)	

**JOINT MOTION FOR  
AMENDMENT OF CASE MANAGEMENT ORDER**

Plaintiff ROBIN NIXON, by his attorneys, Segel & Solymosi, and defendants NORFOLK SOUTHERN CORPORATION and NORFOLK SOUTHERN RAILWAY COMPANY, INC. (more properly known as "Norfolk Southern Railway Company"), by their attorneys, MacDonald, Illig, Jones & Britton LLP, file this Joint Motion for Amendment of Case Management Order and state the following in support thereof:

1. This civil action involves a common law negligence claim by plaintiff Robin Nixon (hereinafter "Nixon") against defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. for personal injuries arising out of an accident that occurred on or about April 27, 1997, in the City of Erie, Pennsylvania when Nixon, who then was age 12, alleges that while riding a bicycle, he grabbed onto a slowly-moving eastbound train, lost control and fell under the train. (Complaint).

2. On June 20, 2005, this Honorable Court issued a Case Management Order that, inter alia, established a pretrial schedule by which all discovery (other than expert witnesses) was to be completed on or before October 21, 2005; plaintiff's expert disclosures were to be served on or before December 5, 2005; defendants' expert disclosures were to be served on or before January 6, 2006; expert depositions were to be completed on or before January 27, 2006; dispositive motions, if appropriate, were to be filed on or before February 20, 2006; responses in opposition to dispositive motions were to be filed on or before March 22, 2006; any replies in support of dispositive motions were to be filed on or before April 6, 2006; a Joint Concise Statement of Material Facts was to be filed on or before March 30, 2006; and, if no dispositive motions are filed, plaintiff's pretrial narrative statement was to be filed on or before March 1, 2006, and defendants' pretrial narrative statement was to be filed on or before March 22, 2006. (Case Management Order dated 6/20/05).

3. The parties have been engaging in pretrial discovery in this case through interrogatories and requests for production of documents, but need additional time within which to complete their remaining discovery, by depositions and otherwise, in order to properly prepare their respective cases for trial.

4. There have been no prior requests for an extension of time to complete pretrial discovery, and this civil action has not yet been scheduled for trial.

5. In view of the additional discovery required by both parties, plaintiff Nixon and defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. jointly seek a 90-day extension of time until January 19, 2006, within which to complete discovery (other than expert witnesses), and the issuance of an Amended Case Management Order revising other dates in the pretrial schedule consistent therewith.

WHEREFORE, plaintiff Robin Nixon and defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. respectfully request this Honorable Court to extend the time for completion of discovery (other than expert witnesses) until January 19, 2006, and to issue an Amended Case Management Order that revises other dates in the pretrial schedule consistent therewith.

Respectfully submitted,

SEGEL & SOLYMOSI

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Joint Motion for Amendment of Case Management Order was served upon the following attorney of record for plaintiff Robin Nixon, via First-Class United States Mail addressed as follows, this 21st day of October, 2005:

Tibor R. Solymosi, Esq.  
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s/ Roger H. Taft  
Roger H. Taft, Esq.